



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
PATENT DOCKET RM. BLDG. K1-4A59  
NISKAYUNA NY 12309

COPY MAILED

MAY 17 2007

OFFICE OF PETITIONS

In re Application of :  
Ramani Mani et al :  
Application No. 10/664,695 : DECISION ON PETITION  
Filed: September 22, 2003 :  
Attorney Docket No. 125643-1 :

This is a decision on the petition, filed October 3, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to timely respond to the Office action of May 3, 2005, which set a three (3) month shortened statutory period for reply. A reply was due on or before August 3, 2005 or on or before November 3, 2005 with extensions of time pursuant to the provisions of 37 CFR 1.136(a). A Notice of Abandonment was mailed on September 20, 2006.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on August 5, 2005 of an amendment with a certificate of mailing. A copy of the previously submitted reply, bearing a certificate of mailing date of August 3, 2005, accompanies the petition.

The reply acknowledged as having been received in the USPTO on August 5, 2005 is not of record in the application file and has not to date been located. However, MPEP 503 provides that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply having a certificate of mailing date of August 3, 2005

was timely received in the USPTO on August 5, 2005 but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply acknowledged as having been received by the USPTO on August 5, 2005.

This application is being referred to Technology Center AU 3746 for appropriate action in the normal course of business on the reply received with petition.

A handwritten signature in cursive script that reads "Frances Hicks". The signature is written in dark ink and is positioned above the printed name.

Frances Hicks  
Petitions Examiner  
Office of Petitions